

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CHARLOTTE BENNETT,

Plaintiff,

-v-

ANDREW M. CUOMO, MELISSA DEROSA, JILL
DESROSIERS, and JUDITH MOGUL,

Defendants.

CIVIL ACTION NO.: 22 Civ. 7846 (VSB) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephone conference held today, March 22, 2024 (the “Conference”), the Court orders as follows:

1. Plaintiff Charlotte Bennett’s (“Ms. Bennett”) request (ECF No. 214) for a briefing schedule regarding her anticipated motion to compel compliance with a deposition subpoena to non-party Madeline Cuomo (“Ms. Cuomo”) is DENIED as moot. For the reasons stated during the Conference, Ms. Cuomo is required to sit for a deposition (the “Deposition”). The Deposition shall: (i) take place after the parties’ depositions but before **June 30, 2024**; (ii) be limited in duration to two (2) hours on the record; and (iii) be limited in scope to questioning relating to the time period between February 27, 2021, and September 14, 2022. Ms. Cuomo’s request that Ms. Bennett bear the attorneys’ fees associated with the Deposition and that the transcript of the Deposition be designated as Confidential (ECF No. 219 at 3) are DENIED WITHOUT PREJUDICE to renewal following the Deposition.
2. Based on the parties’ representations at the Conference, Defendant Andrew Cuomo’s (“Mr. Cuomo”) letter-motion (ECF No. 215 (the “Letter-Motion”)) challenging the

confidentiality designations and sealing of seven redacted video recordings that Ms. Bennett produced is DENIED as moot. Mr. Cuomo's request during the Conference for leave to seek the costs reasonably associated with filing the Letter-Motion is DENIED WITHOUT PREJUDICE to renewal, if appropriate, following the close of fact discovery.

3. For the reasons stated during the conference, Ms. Bennett's request (ECF No. 216) to file a motion to compel concerning Mr. Cuomo's responses to her Request for Production Nos. 52 and 70 (see ECF No. 216-2 at 59–60, 76–77) is DENIED and Mr. Cuomo is not required to respond further or produce documents in response to those requests.
4. Regarding Mr. Cuomo's objections to Ms. Bennett's allegedly "improper relevance and privacy redactions" (ECF No. 217 at 1), as stated during the Conference, no party has shown at this time that redactions for relevance or privacy are warranted. See Coventry Cap. US LLC v. EEA Life Settlements Inc., No. 17 Civ. 7417 (VM) (SLC), 2020 WL 7383940, at *9 (S.D.N.Y. Dec. 16, 2020) (directing party to remove redactions based on relevance and noting that "[r]edactions are normally impermissible unless based on a legal privilege" and "are particularly impermissible where a confidentiality stipulation and order is in place"), objections overruled, 2021 WL 961750 (S.D.N.Y. Mar. 15, 2021).
5. A telephone conference is scheduled for **Tuesday, April 2, 2024 at 10:00 a.m.** (the "Apr. 2 Conference") on the Court's conference line to discuss the following issues (the "Issues"): (i) Mr. Cuomo's request for an order directing the re-imaging of

Ms. Bennett's cellphone(s); (ii) the scheduling of party depositions; and (iii) Ms. Bennett's redactions based on non-responsiveness. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time. The parties shall continue to meet and confer regarding these Issues prior to Apr. 2 Conference and before filing the letters discussed below.

6. Any party seeking to be heard on the Issues and any other fact discovery matter ripe for the Court's attention—i.e., a discovery issue about which the parties have already met and conferred pursuant to the Court's Individual Practices—at the Apr. 2 Conference must file a letter, no longer than five (5) pages, setting forth their position no later than **March 28, 2024 at 6:00 p.m.** (the "Letters"). If the parties are unable to resolve the dispute concerning Ms. Bennett's redactions based on non-responsiveness, Mr. Cuomo shall also email to Chambers (Cave_NYSDChambers@nysd.uscourts.gov) twelve (12) exemplars for the Court's in camera review.
7. The parties should not expect the Court to rule at the Apr. 2 Conference on any matters not raised in the Letters.
8. The parties shall promptly order a transcript of the Conference and ensure that it is filed on the docket.

The Clerk of Court is respectfully directed to close ECF Nos. 214, 215, and 216.

Dated: New York, New York
March 22, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge